REMARKS

Claims 1-36 are pending in the present application. Claims 9, 21, 25, 29, 30, and 32-36 are amended. Reconsideration of the claims is respectfully requested.

I. Interview Summary

On May 3, 2005, the undersigned attorney and Examiner Tran discussed the anticipation rejection of claim 1. The parties also discussed the meaning of the term "transcript" in the claims. No agreement was reached.

During the interview, Examiner Tran requested that support for the term "transcript" be pointed out in the specification. The term "transcript" and its use in the context of the claimed invention is described in the specification on page 12, line 10 through page 15, line 12.

II. 35 U.S.C. § 102, Anticipation

The examiner has rejected claims 1-5, 8-17, 20-29 and 32-36 under 35 U.S.C. § 102(e) as anticipated by *Gatz* et al., Parental Control System For Use In Connection With Account Based Internet Access Server, U.S. Patent Application 2002/0049806 (Apr. 2002). This rejection is respectfully traversed.

Regarding claims 1, 13, and 25 the examiner states that:

> With respect to claims 1, 13, and 25, *Gatz* teaches a method of monitoring use of an instant messaging user account (see abstract and figures 2-3), comprising:
>   receiving an instant message (paragraph 0044-0045);
>
>   determining if a transcript of the instant message is to be stored (paragraph 0015);
>
>   storing the transcript of the instant message in a storage device (paragraph 0047) if a transcript of the instant message is to be stored (paragraph 0049); and
>
>   providing the transcript to a designated monitor of the instant messaging user account (paragraph 0049 i.e. "allow parental monitoring of such activity").

Office Action of February 16, 2005.

Claim 1 provides as follows:

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> 1.   A method of monitoring use of an instant messaging user
> account, comprising:
>> receiving an instant message;
>> determining if a transcript of the instant message is to be
>>> stored;
>> storing the transcript of the instant message in a storage
>>> device if a transcript of the instant message is to be
>>> stored; and
>> providing the transcript to a designated monitor of the
>>> instant messaging user account.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case each and every feature of the presently claimed invention is not identically shown in the cited reference , arranged as they are in the claims.

Gatz does not anticipate claim 1 because *Gatz* does not show each and every step of claim 1. For example, *Gatz* does not show the step of determining if a transcript of the instant message is to be stored. The examiner asserts otherwise, indicating paragraphs 14 and 15 of *Gatz*.[1] That section of *Gatz* provides as follows:

> [0014] The present invention provides an account based access
> control system allowing the holder of one account to control the
> ability of one or more other account holders to access information in
> an information network. Thus, it is possible for parents to establish
> parental accounts that can be used to control the access of their
> children (having child accounts) to information provided over the
> Internet. In effect, the parent creates a "family" account with the
> online server. The server includes logic and data storage that allows
> the server to track account identifiers (IDs) for each child in the
> family. With the family account, a parent that controls the family
> account (the "controlling parent") can add a child to the family
> account with a new child account, attach an existing child account to

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[1] Although the office action refers to paragraph 15 of *Gatz*, during the examiner interview the examiner indicated that the proper citation should be to paragraphs 14 and 15 of *Gatz*.

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the family account, modify a child's password, account information
or other information (e.g., preferences, stored items) saved at the
online system in association with a specific account, modify their
child's email block lists, friend "buddy" lists and instant message
ignore lists, or sign in as the child in order to be aware of and modify
any aspect of the child's account. It should be understood that a
"parent-child" relationship as described herein is not only familial as
to human beings, but also is taxonomic as to hierarchical
arrangement of accounts.

[0015] In one embodiment of the present invention, an access server
controls use of services in an account based access server and
includes a database of users, a link table associating users identified
as parents with parent accounts, users identified as children with
child accounts and associating parent accounts with child accounts in
family accounts. The access server includes logic for verifying
parental status of a parent account with respect to a child account and
logic for limiting access to a user using a child account that is
associated with a family account, where such limitations are
determined, at least in part, based on selections made by a user of a
parent account associated with the family account.

Gatz, paragraphs 14-15.

Nowhere in the cited text does *Gatz* discuss the step of determining if a transcript of

the instant message is to be stored. Although other sections of *Gatz* may show storing data

related to Internet transactions, *Gatz* does not actually show a step of determining if a

transcript of the instant messaging is to be stored in the first place. Nowhere in *Gatz* does

Gatz actually show or suggest the step of determining if the transcript is to be stored. Thus,

Gatz does not anticipate claim 1.

For similar reasons, *Gatz* does not anticipate claim 13, which contains similar

limitations to claim 1. In addition, although claim 25 has been amended to replace the term

"transcript" with the term "log," *Gatz* still does not teach the step of determining if a log of

the instant message is to be stored. Thus *Gatz* does not anticipate claims 1, 13, or 25. For

similar reasons, *Gatz* does not anticipate any of the dependent claims upon which claims 1,

13, and 25 depend, including claims 2-5, 8-12, 14-17, 20-24, 26-29, and 32-36.

Accordingly, the rejection of claims 1-5, 8-17, 20-29, and 32-26 under 35 U.S.C. 102(e) has

been overcome.

With respect to claim 25 and its related dependent claims, *Gatz* does not anticipate

claim 25 as amended because *Gatz* does not show determining if a log of the instant